

## Message Text

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PAGE 01 BONN 12189 01 OF 02 031706Z  
ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
ICA-11 AID-05 CEQ-01 SOE-02 COME-00 EB-08 EPA-01  
NSF-01 OES-07 DOE-15 INT-05 DLOS-09 CG-00 DOTE-00  
/133 W

-----011841 031728Z /53

R 031651Z JUL 78  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 9877  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION USBERLIN  
USMISSION USNATO  
USMISSION USUN NEW YORK  
USMISSION GENEVA

C O N F I D E N T I A L SECTION 01 OF 02 BONN 12189

E.O. 11652: GDS  
TAGS: PGOV BQG  
SUBJECT: ALLIED REPLY TO SOVIET NOTE ON BERLIN IN THE  
LONDON DUMPING CONVENTION

BEGIN SUMMARY. IN RESPONSE TO THE FRG'S DECLARATION  
EXTENDING THE LONDON DUMPING CONVENTION TO BERLIN, THE  
SOVIET UNION HAS ISSUED A NOTE CHARACTERIZING THE  
EXTENSION AS ILLEGAL BECAUSE QUESTIONS OF STATUS AND  
SECURITY ARE INVOLVED. THE BONN GROUP HAS REACHED  
AD REF AGREEMENT ON THE TEXT OF AN ALLIED REPLY. ACTION  
REQUESTED: SEE PARA 3. END SUMMARY.

1. AT THE APRIL 11 BONN GROUP MEETING, THE UK REP  
(EYERS) DISTRIBUTED THE FOLLOWING SOVIET STATEMENT  
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PAGE 02 BONN 12189 01 OF 02 031706Z

(BRITISH TRANSLATION):

BEGIN TEXT

THE EMBASSY OF THE USSR PRESENTS ITS  
COMPLIMENTS TO THE FOREIGN AND COMMONWEALTH OFFICE AND  
HAS THE HONOR, IN CONNECTION WITH ITS NOTE MRS262/1 OF

12 DECEMBER 1977 CONCERNING THE DECLARATION OF THE FRG ABOUT THE EXTENSION OF THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTE AND OTHER MATTER OF 1972 TO WEST BERLIN, TO STATE THE FOLLOWING.

IN THE ABOVE CONVENTION, QUESTIONS ARE DEALT WITH RELATING TO THE ACTIVITY OF PARTICIPANT STATES WITHIN THE FRAMEWORK OF THEIR JURISDICTION OR CONTROL. IT ACCORDINGLY ENVISAGES THE ADOPTION BY EVERY PARTICIPATING STATE OF APPROPRIATE MEASURES TO SECURE THE OBSERVANCE OF THE PROVISIONS OF THE CONVENTION ON ITS OWN TERRITORY, PARTICULARLY IN RELATION TO SHIPS AND AIRCRAFT, AND ALSO STATIONARY OR FLOATING PLATFORMS WHICH ARE REGISTERED ON THE TERRITORY OF A PARTICIPATING STATE OR UNDER ITS FLAG, OR ARE LOADED WITH MATERIALS FOR WASTE ON THE TERRITORY OF A PARTICIPATING STATE OR IN ITS TERRITORIAL WATERS, OR ARE UNDER THE JURISDICTION OF A PARTICIPATING STATE. IT IS PERFECTLY EVIDENT THAT THE FRG CANNOT ASSUME SUCH OBLIGATIONS WITH RESPECT TO WEST BERLIN, IN THAT, AS IS WELL KNOWN, WEST BERLIN IS NOT A CONSTITUENT PART OF THE FRG AND IS NOT RULED BY IT.

UNDER THE TERMS OF THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 (ANNEX IVA AND B, POINT 2(B)), THE FRG CAN EXTEND TO WEST BERLIN ONLY SUCH INTERNATIONAL AGREEMENTS AND UNDERSTANDINGS CONCLUDED BY IT AS DO CONFIDENTIAL

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PAGE 03 BONN 12189 01 OF 02 031706Z

NOT AFFECT QUESTIONS OF STATUS AND SECURITY. THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTE AND OTHER MATTER, AS IS EVIDENT FROM ITS CONTENTS, IS NOT AMONG THEM.

TAKING INTO ACCOUNT THE FOREGOING, THE SOVIET SIDE REGARDS THE DECLARATION MADE BY THE GOVERNMENT OF THE FRG ON DEPOSITING THESE INSTRUMENTS OF RATIFICATION OF THE CONVENTION CONCERNING ITS EXTENSION TO WEST BERLIN AS ILLEGAL AND WITHOUT JURIDICAL FORCE.

THE EMBASSY WOULD BE GRATEFUL IF THE CONTENTS OF THIS NOTE COULD BE BROUGHT TO THE ATTENTION OF ALL STATES WHICH WERE INFORMED OF THE ABOVE MENTIONED DECLARATION BY THE FRG.

(COMPLIMENTARY CLOSE)

END TEXT

2. AT THE JUNE 29 BONN GROUP MEETING, AD REF AGREEMENT WAS REACHED ON THE FOLLOWING TEXT AS A REPLY TO THE

SOVIET NOTE:

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PAGE 01 BONN 12189 02 OF 02 031708Z

ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
ICA-11 AID-05 CEQ-01 SOE-02 COME-00 EB-08 EPA-01  
NSF-01 OES-07 DOE-15 INT-05 DLOS-09 CG-00 DOTE-00  
/133 W  
-----011858 031727Z /53

R 031651Z JUL 78

FM AMEMBASSY BONN

TO SECSTATE WASHDC 9878

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION USBERLIN

USMISSION USNATO

USMISSION USUN NEW YORK

USMISSION GENEVA

C O N F I D E N T I A L SECTION 02 OF 02 BONN 12189

BEGIN TEXT

HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR  
FOREIGN AND COMMONWEALTH AFFAIRS PRESENTS HIS COMPLI-  
MENTS TO THEIR EXCELLENCIES AND MESSIEURS THE HEADS OF  
DIPLOMATIC MISSIONS AND STATES PARTIES TO THE CONVENTION  
ON THE DUMPING OF WASTES AT SEA SIGNED AT LONDON ON  
13 NOVEMBER 1972 AND HAS THE HONOR TO REFER TO A NOTE  
DATED 31 MARCH 1978 FROM THE EMBASSY OF THE USSR CONCERN-  
ING THE EXTENSION OF THE CONVENTION TO THE WESTERN  
SECTORS OF BERLIN BY THE FEDERAL REPUBLIC OF GERMANY.  
THE NOTE WAS CIRCULATED ON (BLANK) 1978 BY THE  
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PAGE 02 BONN 12189 02 OF 02 031708Z

GOVERNMENT OF THE UNITED KINGDOM IN ITS CAPACITY AS A  
DEPOSITORY OF THE CONVENTION.

THE GOVERNMENT OF THE UNITED KINGDOM HAS CONSULTED  
THE GOVERNMENTS OF THE FRENCH REPUBLIC AND THE UNITED  
STATES OF AMERICA ABOUT THIS MATTER. THE THREE  
GOVERNMENTS WISH TO POINT OUT THAT IN A COMMUNICATION TO  
THE GOVERNMENT OF THE USSR, WHICH IS AN INTEGRAL PART  
(ANNEX IVA) OF THE QUADRIPARTITE AGREEMENT OF  
3 SEPTEMBER 1971, THEY CONFIRMED THAT, PROVIDED MATTERS  
OF SECURITY AND STATUS ARE NOT AFFECTED, INTERNATIONAL  
AGREEMENTS AND ARRANGEMENTS ENTERED INTO BY THE FEDERAL  
REPUBLIC OF GERMANY MAY BE EXTENDED TO THE WESTERN  
SECTORS OF BERLIN IN ACCORDANCE WITH ESTABLISHED  
PROCEDURES. FOR ITS PART, THE GOVERNMENT OF THE USSR,  
IN A COMMUNICATION TO THE THREE GOVERNMENTS, WHICH IS  
SIMILARLY AN INTEGRAL PART (ANNEX IVB) OF THE QUADRI-  
PARTITE AGREEMENT, AFFIRMED THAT IT WOULD RAISE NO  
OBJECTION TO SUCH EXTENSION.

THE ESTABLISHED PROCEDURES REFERRED TO ABOVE, WHICH  
WERE ENDORSED IN THE QUADRIPARTITE AGREEMENT ARE  
DESIGNED, INTER ALIA, TO AFFORD THE AUTHORITIES OF  
THE THREE GOVERNMENTS THE OPPORTUNITY TO ENSURE THAT  
INTERNATIONAL AGREEMENTS CONCLUDED BY THE FEDERAL  
REPUBLIC OF GERMANY WHICH ARE TO BE EXTENDED TO THE  
WESTERN SECTORS OF BERLIN ARE EXTENDED IN SUCH A WAY  
THAT MATTERS OF SECURITY AND STATUS REMAIN  
UNAFFECTED. THE EXTENSION OF THE AFORESAID  
CONVENTION TO THE WESTERN SECTORS OF BERLIN RECEIVED  
THE AUTHORIZATION, UNDER THESE ESTABLISHED PROCEDURES,  
OF THE AUTHORITIES OF THE THREE GOVERNMENTS WHO  
TOOK THE NECESSARY STEPS TO ENSURE THAT MATTERS OF  
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PAGE 03 BONN 12189 02 OF 02 031708Z

SECURITY AND STATUS WOULD NOT BE AFFECTED THEREBY.  
CONSEQUENTLY PURSUANT TO THE DECLARATION ON  
BERLIN MADE BY THE FEDERAL REPUBLIC OF GERMANY, THIS  
CONVENTION HAS BEEN VALIDLY EXTENDED TO THE WESTERN  
SECTORS OF BERLIN, AND THE EXTENSION IS ENTIRELY  
CONSISTENT WITH THE QUADRIPARTITE AGREEMENT.

ACCORDINGLY THE APPLICATION OF THE AFORESAID  
CONVENTION TO THE WESTERN SECTORS OF BERLIN CONTINUES  
IN FULL FORCE AND EFFECT.

HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR  
FOREIGN AND COMMONWEALTH AFFAIRS AVAILS HIMSELF OF THIS  
OPPORTUNITY TO RENEW TO THEIR EXCELLENCIES AND  
MESSIEURS THE ASSURANCE OF HIS HIGHEST CONSIDERATION.

END TEXT

3. ACTION REQUESTED: DEPARTMENT'S APPROVAL OF THE  
TEXT IN PARA 2 SUPRA FOR CIRCULATION BY THE FCO AS  
DEPOSITORY FOR THE CONVENTION.  
STOESSEL

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## Message Attributes

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**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** WATER POLLUTION, TEXT, ANTIDUMPING LAW (TRADE), DECLARATIONS  
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**Copy:** SINGLE  
**Draft Date:** 03 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Enclosure:** n/a  
**Executive Order:** GS  
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**To:** STATE  
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**Review Markings:**  
Sheryl P. Walter  
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